

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **January 8, 2024**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Mayor Javier Villalobos

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Secretary Perla Lara, City Engineer Eduardo Mendoza, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Pro Tem Omar Quintanilla called the meeting to order.

PRESENTATION

PRESENTATION OF THE IFEA AND TFEA AWARDS

Staff was presented with the IFEA and TFEA Awards.

PROCLAMATION

NATURE PLAY DAY

Commissioner Antonio "Tony" Aguirre, Jr. read and presented a proclamation for Nature Play Day.

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm)

1. PUBLIC HEARING

Mayor Pro Tem Omar Quintanilla called the Public Hearing to order.

- A) ROUTINE ITEMS: (ALL REZONINGS AND CONDITIONAL USE PERMITS LISTED UNDER THIS SECTION COME WITH A FAVORABLE RECOMMENDATION FROM THE PLANNING & ZONING COMMISSION AND WILL BE ENACTED BY ONE MOTION. HOWEVER, IF THERE IS OPPOSITION AT THE MEETING OR A DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE ROUTINE ITEMS SECTION OF THE AGENDA AND WILL BE CONSIDERED SEPARATELY.)**

Mayor Pro Tem Omar Quintanilla asked if there was anyone to speak in opposition to the items under this section of the agenda. Mr. John Freeman spoke on item 1A1 and 1A2.

Comments were shared on items 1A1 and 1A2. Staff answered questions posed by Council. After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

- 1. REZONE FROM A-O (AGRICULTURAL AND OPEN SPACE) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOMES) DISTRICT: 0.64 ACRE TRACT OF LAND BEING OUT OF LOT 10, SECTION 13-, AND 1.655-ACRE TRACT OF LAND BEING OUT OF LOT 10 AND LOT 15, SECTION 13, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 7601 NORTH 7th STREET (EAST).**

Approved the R-3T Zoning at 7601 North 7th Street (East), as per Planning and Zoning Commission.

2. REZONE FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT TO R-3T (MULTIFAMILY RESIDENTIAL TOWNHOMES) DISTRICT: 1.27 ACRE TRACT OF LAND BEING OUT OF LOT 10, SECTION 13-, AND 4.974-ACRE TRACT OF LAND BEING OUT OF LOT 10 AND LOT 15, SECTION 13, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 7601 NORTH 7th STREET (WEST).

Approved the R-3T Zoning at 7601 North 7th Street (West), as per Planning and Zoning Commission.

3. REQUEST OF JESSICA AGUILAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A RESTAURANT/BAR (THIRSTY MONKEY) AT LOT 1 AND ALL OF LOT 2, PLAZA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3424 NORTH 10th STREET.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for a restaurant/bar (Thirsty Monkey) at 3424 North 10th Street, as per Planning and Zoning Commission.

The establishment must comply with requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 PM. The establishment is less than 400 feet of a residential zone/use, to the northeast and east of the subject property
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access from North 10th Street.
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. The bar requires 39 parking spaces based on square footage of the building and additional 3 parking spaces for the existing outside seating area (3 benches) for a total of 41 parking spaces.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street to discourage vandalism and criminal activities.
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having considered the recommendations of the Fire Marshal, Building Official, and Planning Director.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF JORGE G. MARTINEZ, FOR A CONDITIONAL USE PERMIT, FOR TWO YEARS, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT LOT 5A, KINGSWOOD ESTATES SUBDIVISION, PHASE 2, HIDALGO COUNTY, TEXAS; 5245 NORTH 23rd STREET.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for two years, for an event center at 5245 North 23rd Street, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residentially zoned property and apartment zoned area.

2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has direct access to Zinnia Avenue and 23rd Street and does not generate traffic into residential areas.
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the building, 22 parking spaces are required one of which should be for persons with disability. The parking lot is common area and should be clear of potholes and properly striped.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities.
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

Commissioner Joaquin Zamora moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

C) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN.

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

D) REQUEST OF JOSE DUARTE ON BEHALF OF VELMEJ INVESTMENTS, LLC FOR A VARIANCE FROM SECTION 6-2 (A) OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE AT EAST 159.6 FEET OF LOTS 12 & 13, SPRING GLEN, HIDALGO COUNTY, TEXAS; 624 NORTH MCCOLL ROAD.

Mayor Pro Tem Omar Quintanilla called the Public Hearing to order.

Staff recommended approval of the variance from Section 6-2 of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code at 624 North McColl Road.

After due consideration, Antonio "Tony" Aguirre, Jr. moved to approve and seconded by Victor "Seby" Haddad. The motion passed with 5 votes in the affirmative with Commissioner Joaquin Zamora voting against.

END OF PUBLIC HEARING

Mayor Pro Tem Omar Quintanilla declared the Public Hearing closed.

2. **CONSENT AGENDA (ALL MATTERS LISTED UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE GOVERNING BODY AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS; HOWEVER, IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.)**

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda except for 2C to be addressed separately and Commissioner Joaquin Zamora seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES FOR WORKSHOP AND REGULAR MEETING HELD ON DECEMBER 11, 2023.

Approved the minutes of Workshop and Regular meeting held December 11, 2023, as submitted.

B) CONSIDERATION OF APPROVAL TO SUBMIT APPLICATION FOR 5310 GRANT FROM RGVMP.

Approved the submittal of a grant application from Rio Grande Valley Metropolitan Planning Organization.

C) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF REYNOSA AND CITY OF MCALLEN.

Staff recommended approval of a memorandum of understanding between the City of Reynosa and City of McAllen.

Comments were shared by Council. Staff answered questions posed by Council.

After due consideration, Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the Memorandum of Understanding between the City of Reynosa and City of McAllen as recommended and seconded by Commissioner Joaquin Zamora. Motion carried unanimously by those present.

D) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF 2nd STORAGE ARRAY TO INSIGHT PUBLIC SECTOR THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR).

Awarded a contract to Insight Public Sector in the amount of \$151,848.01 for the purchase of 2nd Storage array.

E) APPROVAL OF TAX REFUNDS OVER \$500.00.

Approved tax refunds of over \$500.

1. ROBERT CAPLES

Approved a tax refund in the amount of \$673.87.

2. RICHARD C. & MARTHA L. DEANDA

Approved tax refunds in the amounts of \$1,023.63 and \$487.13.

3. MICHAEL K. GARZA

Approved tax refunds in the amounts of \$9.91 and \$906.71.

4. LETICIA A. & ABEL ZAMARRIPA

Approved a tax refund in the amount of \$711.61.

5. RIO BANK

Approved a tax refund in the amount of \$1,227.46.

3. BIDS/CONTRACTS

A) AWARD OF CONTRACT FOR THE PURCHASE OF NEW CURRENT MODEL CITY VEHICLES THROUGH COOPERATIVE CONTRACT PRICING.

Staff recommended award of Purchase Contract(s) to Randall Reeds Prestige Ford for Items 2-6, 9-10, 14, and 16-17; Silsbee Ford for Items 8, and 11. For Item 2, apparent low bidder Southwest CDJR, is non-responsive for failing to submit their security bid bond. Staff recommends award to lowest responsive responsible bidder meeting the requirements of the minimum specifications to Randall Reeds Prestige Ford of Garland. No responsive bids were received for Items 1 and 19 and staff requests authorization to seek bids through approved cooperative vendors. The award of item #2, 8, & 14 is subject to a budget reclassification and award of item #6 is subject to a budget amendment.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the contracts as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE TERMINAL CAPACITY STUDY AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended award of contract to Short Elliot Hendrickson, Inc. in the amount of \$497,800 for the Terminal Capacity Study at McAllen International Airport.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

4. ORDINANCE

A) PROVIDING A BUDGET AMENDMENT FOR FISCAL YEAR 2023-2024 CAPITAL PROJECTS ROLLOVERS.

Staff recommended adoption of an ordinance providing for a budget amendment providing for an increase in expenditures in the amount of \$18,312,291.00 and an increase in revenues of \$3,951,232 for Rollover Capital Projects.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

5. VARIANCES

A) CONSIDERATION OF VARIANCE REQUESTS TO EXCEED THE MAXIMUM 600 FT. CUL-DE-SAC LENGTH REQUIREMENT, AT THE PROPOSED GARDEN ROSE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1200 EAST YUMA AVENUE.

Staff recommended approval of a variance request to exceed the maximum 600 ft. Cul-de-sac requirement at 1200 East Yuma Avenue.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the variance as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

B) CONSIDERATION OF VARIANCE REQUESTS TO THE RIGHT-OF WAY DEDICATION REQUIREMENTS FOR NORTH BICENTENNIAL BOULEVARD AT THE PROPOSED VILLAS AT NORTHGATE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1701 NORTHGATE LANE.

Staff recommended approval of a variance requests to the right-of-way dedication requirements for North Bicentennial Boulevard at 1701 Northgate Lane.

Commissioner Joaquin Zamora moved to approve the variance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

C) CONSIDERATION OF VARIANCE REQUESTS TO 1) EXCEED THE 1200 FT. BLOCK LENGTH FOR BLOCK I, AND 2) TO EXCEED THE MAXIMUM 600 FT. CUL-DE-SAC LENGTH REQUIREMENT AND NOT PROVIDE THE 40 FT. OF PAVING FOR THE INTERIOR STREETS FOR BLOCK IV AT THE PROPOSED ELDORADO AT THOUSAND OAKS I, II, III AND IV PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 13100 NORTH 38th STREET.

Staff recommended approval of a variance requests with 40 feet of paving for the Block IV cul-de-sac (option 2) at 13100 North 38th Street.

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 5C and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Discussion ensued. Comments were shared by Council. Staff answered questions posed by Council.

After due consideration, Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the variance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried with 5 votes in favor and Commissioner Victor "Seby" Haddad in abstention.

- D) **CONSIDERATION OF A VARIANCE REQUEST TO PAVING REQUIREMENTS FOR N. 33RD STREET AT THE PROPOSED NORTHWOOD TRAILS BLOCK II AND III SUBDIVISION, HIDALGO COUNTY, TEXAS; 3300 FREDDY GONZALEZ DRIVE.**

Item was withdrawn by applicant.

6. MANAGER'S REPORT

- A) **IMMIGRATION AND RESPITE CENTER REPORT.**

Mr. Jeff Johnston presented immigration and respite center updates and answered questions.

- B) **FUTURE AGENDA ITEMS.**

Items of upcoming workshops were reviewed as follows: McAllen Shines Update and Signal Lights Update

7. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).**

- A) **CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C)**

7A1 – Commissioner Joaquin Zamora moved to authorize the City Manager and City Attorney to negotiate the economic development agreement in the terms described in executive session subject to final approval by the city commission and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

7A2 – Commissioner Joaquin Zamora moved to approve amendments to the PUD as presented on the site plan by the developer; authorize the City Manager and City Attorney to negotiate the amended terms of the economic development agreement previously approved by the city commission on the amended terms described in executive session and seconded by Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

7A3 - Commissioner Joaquin Zamora moved to authorize the City Manager and City Attorney to negotiate the amended terms of the economic agreement as described in executive session and seconded by Commissioner Antonio "Tony" Aguirre Jr. The motion carried unanimously by those present.

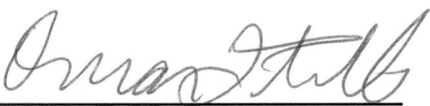
- B) **DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY, TRACT 1. (SECTION 551.072, T.G.C.)**

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 7B and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

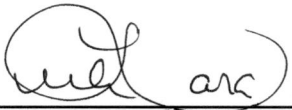
Commissioner Joaquin Zamora moved to authorize City Manager and City Attorney to execute any and all documents necessary to convey the property in the terms as discussed in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried with 5 votes in favor and Commissioner Victor "Seby" Haddad in abstention.

ADJOURNMENT

Without objection the meeting was adjourned at 5:58 p.m.


Omar Quintanilla, Mayor Pro Tem

Attest:


Perla Lara, TRMC/CMC, CPM
City Secretary